

Michael S. Burkhardt (N.J. ID No. 008541993)

Blair J. Robinson (N.J. ID No. 040712004)

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

Telephone: (215) 963-5130/5398

Facsimile: (215) 963-5001

mburkhardt@morganlewis.com

blair.robinson@morganlewis.com

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**KELLI SMITH, KANDICE BROSS,
RACHEL MOUNTIS, AMY
SHURSKY and KATE WHITMER,
individually and on behalf of a class
of similarly situated female
employees,**

Plaintiffs,

v.

MERCK & CO., INC.,

Defendant.

No. 3:13-cv-02970(JAP/LHG)

Civil Action

**DEFENDANT MERCK & CO., INC.'S
MOTION TO DISMISS/STRIKE
PLAINTIFFS' DISPARATE IMPACT,
CLASS AND COLLECTIVE ACTION
CLAIMS**

Return Date: March 17, 2014

Oral Argument Requested

Electronically Filed

TO: David Sanford, Esq.
Deborah Marcuse, Esq.
Kate Mueting, Esq.
Jennifer Siegel, Esq.
Sanford Heisler LLP
1666 Connecticut Avenue NW, Suite 300
Washington, DC 20009

COUNSEL:

PLEASE TAKE NOTICE that on March 17, 2014, at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendant Merck & Co., Inc. (“Merck”) will move before the Honorable Joel A. Pisano, U.S.D.J, of this Court located at 402 East State Street, Trenton, New Jersey 08608, for an Order dismissing or striking Plaintiffs’ class claims and dismissing Plaintiffs’ disparate impact and collective action claims with prejudice.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defendant shall rely upon the accompanying Memorandum of Law and Declaration of Michael S. Burkhardt.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Rule 7.1(e)(1), a proposed order is submitted herewith.

Dated: February 18, 2014

By: s/ Michael S. Burkhardt
Michael S. Burkhardt
Blair J. Robinson
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5130/5398
Fax: (215) 963-5001
mburkhardt@morganlewis.com
blair.robinson@morganlewis.com

Attorneys for Defendant Merck & Co., Inc.